

Assembly Bill No. 262

CHAPTER 679

An act to amend Section 89030.1 of, and to add Chapter 1.4 (commencing with Section 99040) to Part 65 of Division 14 of Title 3 of, the Education Code, and to amend, repeal, and add Section 13332.09 of the Government Code, relating to public postsecondary education.

[Approved by Governor October 14, 2007. Filed with
Secretary of State October 14, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 262, Coto. Public postsecondary education.

(1) Existing law establishes the California State University under the administration of the Trustees of the California State University. Existing law, to be repealed as of January 1, 2008, sets forth a procedure for the adoption of regulations by the trustees, and requires the trustees to follow that procedure rather than the procedure set forth in the Administrative Procedure Act.

This bill would extend the repeal date of this provision from January 1, 2008, to January 1, 2013.

(2) Existing law establishes the various segments of the higher education system in the state. These segments include the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges, and various private and independent colleges and universities. The Student Financial Responsibility Act requests the regents and the governing body of each accredited private or independent college or university in the state, and requires the trustees and the board of governors, to adopt policies to regulate the marketing practices used on campuses by credit card companies.

This bill would urge the regents and require the trustees and board of governors to annually direct each campus to disclose all exclusive arrangements, excluding proprietary information, with banks or other commercial entities to engage in on-campus credit card marketing activities. The bill would prohibit banks and other commercial entities, while soliciting in public campus areas, from offering gifts to students who complete credit card applications. The bill would urge the regents to revise the University of California Policy on the On-Campus Marketing of Credit Cards to Students as it relates to specified future contractual agreements.

(3) Existing law requires that all contracts for acquisition of motor vehicles or general use mobile equipment for an executive branch officer

or agency or for any campus of the California State University be made by or under the supervision of the Department of General Services, and permits the department to collect a fee to offset the cost of the services provided. Existing law requests and encourages the University of California to have the department perform these tasks with respect to the acquisition or replacement of motor vehicles by the University of California.

This bill would, until July 1, 2012, delete the California State University and its campuses from the scope of these provisions. The bill would require the trustees to report yearly to the Legislature, until June 30, 2012, certain information relative to motor vehicle procurement by the California State University.

The people of the State of California do enact as follows:

SECTION 1. Section 89030.1 of the Education Code is amended to read: 89030.1. The trustees shall adopt, amend, or repeal regulations pursuant to this section instead of pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. As used in this section, “regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by the university to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure, except one that relates only to the internal management of the university. “Regulation” does not mean or include any form prescribed by the university or any instructions relating to the use of the form, nor does it mean or include a building standard as defined in Section 18909 of the Health and Safety Code.

(a) The trustees’ office of general counsel shall review the proposed regulations for matters such as necessity, authority, clarity, consistency, reference, and nonduplication, and recommend any proposed action to the trustees. For purposes of this section, “necessity,” “authority,” “clarity,” “consistency,” “reference,” and “nonduplication” shall have the same meaning as defined by Section 11349 of the Government Code.

(b) Notice of the proposed regulations shall be sent at least 45 days prior to the public hearing to those persons who have requested notices of the meetings of the trustees and shall be available to the public in electronic format. The notice shall include the right of the public to comment orally or in writing on the proposed action either prior to or during the public hearing.

(c) At the hearing, the public shall be provided the opportunity to comment on the proposed action.

(d) The trustees shall maintain a rulemaking file containing the public notice, public comments, and minutes of the public hearing, including the action taken by the trustees.

(1) The rulemaking file shall contain a summary of each objection or recommendation made with an explanation of how the proposed action was

changed to accommodate each objection or recommendation, or the reason or reasons for making no change.

(2) The proposed regulations shall be accompanied by an estimate, prepared in accordance with instructions adopted by the Department of Finance, of the effect of the proposed regulations with regard to the costs or savings to any state agency, the cost of any state-mandated local program as governed by Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code, any other costs or savings of local agencies, and the costs or savings in federal funding provided to state agencies.

(e) The trustees shall transmit the regulations as finally adopted to the Secretary of State for filing. Each regulation shall be effective upon filing with the Secretary of State, and shall be published in the California Code of Regulations.

(f) On or before January 15 of each year, the trustees shall report to the Governor, the Senate Education Committee, and the Assembly Higher Education Committee as to all regulatory actions taken by the trustees during the previous calendar year. The report shall include the statement of reasons for each regulatory action taken, indicate whether any concerns were raised regarding the proposed action, and the steps taken by the trustees to alleviate those concerns.

(g) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 2. Chapter 1.4 (commencing with Section 99040) is added to Part 65 of Division 14 of Title 3 of the Education Code, to read:

CHAPTER 1.4. THE COLLEGE STUDENT CREDIT PROTECTION ACT

99040. (a) The Regents of the University of California are urged to, and the Trustees of the California State University and the Board of Governors of the California Community Colleges shall, perform the following functions:

(1) Annually direct each campus to disclose all exclusive arrangements, excluding proprietary information, with banks or other commercial entities to engage in on-campus marketing of credit cards to students through solicitation activities in public campus areas, hereafter referred to as “tabling” activities.

(2) Prohibit banks and other commercial entities, including their third-party representatives, during on-campus tabling activities from offering gifts to students for filling out student credit card applications. Banks and other commercial entities, including their third-party representatives, may rely on the self-identification of students for purposes of complying with this paragraph.

(b) The Regents of the University of California are urged to revise the University of California Policy on the On-Campus Marketing of Credit Cards to Students (July 28, 2004) by removing the exemptions in Section

VIII of the policy as it relates to all future contractual agreements with any bank or other commercial entity that provides banking and other financial services to the campus community.

SEC. 3. Section 13332.09 of the Government Code is amended to read:

13332.09. (a) No purchase order or other form of documentation for acquisition or replacement of motor vehicles shall be issued against any appropriation until the Department of General Services has investigated and established the necessity therefor.

(b) A state agency may not acquire surplus mobile equipment from any source for program support until the Department of General Services has investigated and established the necessity therefor.

(c) Notwithstanding any other provision of law, all contracts for the acquisition of motor vehicles or general use mobile equipment for a state agency shall be made by or under the supervision of the Department of General Services. Pursuant to Section 10298 of the Public Contract Code, the Department of General Services may collect a fee to offset the cost of the services provided.

(d) All passenger-type motor vehicles purchased for state officers and employees, except constitutional officers, shall be American-made vehicles of the light class, as defined by the California Victim Compensation and Government Claims Board, unless excepted by the Director of General Services on the basis of unusual requirements, including, but not limited to, use by the California Highway Patrol, that would justify the need for a motor vehicle of a heavier class.

(e) No general use mobile equipment having an original purchase price of twenty-five thousand dollars (\$25,000) or more shall be rented or leased from a nonstate source and payment therefor made from any appropriation for the use of the Department of Transportation, without the prior approval of the Department of General Services after a determination that comparable state-owned equipment is not available, unless obtaining approval would endanger life or property, in which case the transaction and the justification for not having sought prior approval shall be reported immediately thereafter to the Department of General Services.

(f) As used in this section:

(1) "General use mobile equipment" means equipment that is listed in the Mobile Equipment Inventory of the State Equipment Council and that is capable of being used by more than one state agency, and shall not be deemed to refer to equipment having a practical use limited to the controlling state agency only. Section 575 of the Vehicle Code shall have no application to this section.

(2) "State agency" means a state agency, as defined pursuant to Section 11000. The University of California is requested and encouraged to have the Department of General Services perform the tasks identified in this section with respect to the acquisition or replacement of motor vehicles by the University of California.

(g) The Trustees of the California State University shall, by June 30, 2008, and on or before June 30 of each year thereafter, report to the

Legislature on their motor vehicle procurement, including all of the following:

(1) An inventory of motor vehicles by campus, that includes the type of vehicle, consistent with the fleet report to the Department of General Services.

(2) The number of motor vehicles purchased during the prior fiscal year, disaggregated by campus and type of vehicle.

(3) The average amount of time taken to complete procurement of each motor vehicle purchased during the prior fiscal year.

(4) Any changes in policies or procedures made during the prior fiscal year relative to motor vehicle procurement and contracts for procurement and identifying any vehicles procured pursuant to the new policy or procedure.

(5) The estimated cost savings associated with management by the California State University of motor vehicle procurement, including average time to complete procurements, reduced administrative costs, reduced charges paid to the Department of General Services, and competitive or reduced market prices obtained for vehicles.

(h) This section shall remain in effect only until July 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted and becomes operative before July 1, 2012, deletes or extends that date.

SEC. 4. Section 13332.09 is added to the Government Code, to read:

13332.09. (a) No purchase order or other form of documentation for acquisition or replacement of motor vehicles shall be issued against any appropriation until the Department of General Services has investigated and established the necessity therefor.

(b) A state agency may not acquire surplus mobile equipment from any source for program support until the Department of General Services has investigated and established the necessity therefor.

(c) Notwithstanding any other provision of law, all contracts for the acquisition of motor vehicles or general use mobile equipment for a state agency shall be made by or under the supervision of the Department of General Services. Pursuant to Section 10298 of the Public Contract Code, the Department of General Services may collect a fee to offset the cost of the services provided.

(d) All passenger-type motor vehicles purchased for state officers and employees, except constitutional officers, shall be American-made vehicles of the light class, as defined by the California Victim Compensation and Government Claims Board, unless excepted by the Director of General Services on the basis of unusual requirements, including, but not limited to, use by the California Highway Patrol, that would justify the need for a motor vehicle of a heavier class.

(e) No general use mobile equipment having an original purchase price of twenty-five thousand dollars (\$25,000) or more shall be rented or leased from a nonstate source and payment therefor made from any appropriation for the use of the Department of Transportation, without the prior approval of the Department of General Services after a determination that comparable

state-owned equipment is not available, unless obtaining approval would endanger life or property, in which case the transaction and the justification for not having sought prior approval shall be reported immediately thereafter to the Department of General Services.

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(2) “State agency” means a state agency, as defined pursuant to Section 11000, and each campus of the California State University. The University of California is requested and encouraged to have the Department of General Services perform the tasks identified in this section with respect to the acquisition or replacement of motor vehicles by the University of California.

(g) This section shall become operative on July 1, 2012.